

### **Remarks**

This application has been carefully reviewed in light of the Final Office Action dated March 12, 2009. Claims 1, 22, 24, and 25 have been amended. Claims 1, 2, 4-17, 19-22, 24-27, and 29 are currently pending. Further review and reconsideration is requested in light of the remarks below.

### **PRIOR ART**

The Examiner has used U.S. Publication No. 2003/0016702 (Bender et al.) in rejecting claims 17 and 19-21. Bender et al. is not prior art. Applicant submitted a declaration under 37 C.F.R. §1.131 with the Applicant's response dated 2/23/2009 which was accepted by the Examiner. The declaration clearly established a date of invention of at least September 9, 2000. Bender was not filed until March 30, 2001. Thus, Bender is not prior art.

### **ANTICIPATION**

Claims 1, 2, 4-10, 22, 24, 25, 26, and 27 have been rejected under 35 U.S.C. §102(b) as being anticipated by Japanese No. 2001-286078 (Tamura). These rejections are respectfully traversed.

Claim 1 is not anticipated by Tamura. Claim 1 has been amended to further define the invention. In particular, claim 1 has been amended to recite "an electrical power generator independent from a utility power system; and a control system operably connected to the static converter, the electrical power storage subsystem, and the electrical

power generator, such that the control system selectively connects the static converter, the electrical power storage subsystem, or the electrical power generator independently or in combination to the electrical load, thereby allowing continuous backup power to be provided to the load by both the electrical power storage subsystem and the electrical power generator simultaneously and cooperatively."

Tamura does not disclose an electrical power generator independent from a utility power system. The Examiner points to item 60 on Figure 1 as being a generator; however, item 60 is actually a utility grid, not a generator. Even if the Examiner takes the broad position that a generator and utility grid are the same thing, Tamura does not disclose a generator that is independent of the utility grid.

In addition, Tamura does not disclose a control system that is operably connected to a static converter, an energy storage subsystem, and an electrical power generator. Nor does it disclose a control system that selectively connects a static converter, an electrical power storage subsystem, or an electrical power generator independently or in combination to an electrical load. Thus, claim 1 is not anticipated and the rejection should be withdrawn.

Claims 2 and 4-10 depend from independent claim 1, and are thus believed to be allowable for the reasons stated above.

Claim 22 is not anticipated by Tamura. Claim 22 has been amended to further define the invention. In particular, claim 22 has been amended to recite "an electrical power generation module independent of the electrical grid; and a multimode control system operably connected to the STATCOM, the electrical power storage subsystem, and

the electrical power generation module, wherein the multimode control system is configured to: (1) control the operation of each of the STATCOM, the electrical power storage subsystem, and the electrical power generation module; (2) selectively connect the STATCOM, the electrical power storage subsystem, or the electrical power generation module independently or in combination to an electrical load, such that AC power is continuously provided to the electrical load at all times."

As stated with respect to claim 1, Tamura does not disclose a generator independent of an electrical grid. Further, Tamura does not disclose a multimode control system that controls the operation of each the STATCOM, storage subsystem, and generation module. Nor does it disclose a multimode control system that selectively connects the STATCOM, storage subsystem, or generation module independently or in combination to an electrical load. Accordingly, Tamura does not anticipate claim 22. Thus, the rejection should be withdrawn.

Claims 24, 25, 26, and 27 depend from independent claim 22, and are thus believed to be allowable for the reasons stated above.

### **OBVIOUSNESS**

Claims 11, 12, 14, 15, and 29 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Tamura in view of Hingorani, N.G. "Introducing Custom Power". Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Tamura in view of U.S. Patent No. 6,134,124 (Jungreis et al). Claims 17 and 19-21 have been rejected

under 35 U.S.C. §103(a) as being unpatentable over Tamura in view of U.S. Pub. No. 2003/0016702 (Bender et al.). These rejections are respectfully traversed.

Claims 11, 12, 14, 15 depend from independent claim 1, and are thus believed to be allowable for the reasons stated above.

Claim 29 depends from independent claim 22, and is thus believed to be allowable for the reasons stated above.

Claim 16 depends from independent claim 1, and is thus believed to be allowable for the reasons stated above.

Claims 17 and 19-21 depend from independent claim 22, and are thus believed to be allowable for the reasons stated above. Further, as discussed above, Bender et al. is not prior art.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1, 2, 4-17, 19-22, 24-27, and 29 at an early date is solicited.

If any fees are due in connection with this paper, the Director is authorized to charge them, or credit any overpayments, to Deposit Account No. 50-4137.

Respectfully submitted,  
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